

**REMARKS**

Favorable reconsideration of this application is requested in view of the foregoing amendments and the following remarks. Claims 12, 14-27 and 31-33 are pending in the application.

The claims are amended to more clearly define the invention, support for which is found in the figures and related parts of the specification. Independent claim 12 is amended to require that users associated with personal identification numbers of the first data structure are billed for HVAC as a function of historical system usage data of the second data structure. Support for this limitation is found throughout the application as originally filed (e.g., at page 6, lines 22-23; page 12, lines 24-26).

Claims 12 and 16-17 were rejected under 35 USC 112, second paragraph, as indefinite. Claims 17-20 are amended to refer to the second data structure recited in independent apparatus claim 16. This amendment to claims 17-20 is not a narrowing amendment. The term "coupled" as recited in the claims is defined in the application as originally filed as connected, although not necessarily directly, and not necessarily mechanically (page 13, lines 9-10). The term EPROM was removed from the claims because it is not necessary to define over the prior art. Therefore, the pending apparatus claims are now generic with respect to both software based data structures and hardware memory type data structures. Claims 12 and 32-33 are amended to consistently recite microcontroller. This amendment to claims 12 and 32-33 is not a narrowing amendment.

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 12, 14-20, 27, 31 and 33 are rejected under 35 USC 103 as being obvious over US 5,289,362 to Liebl et al. in view of US 5,958,016 to Chang et al.. . As noted above, the claims are amended to require that users associated with personal identification numbers of the first data structure are billed for HVAC as a function of historical system usage data of the second data structure. As noted by the examiner at page 2, paragraph 1 of the action, the Liebl and Chang references do not disclose or suggest using user PIN numbers to bill users for their HVAC usage.

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 21-25 and 32 are rejected under 35 USC 103 as being obvious over US 5,289,362 to Liebl et al. in view of US 5,958,016 to Chang et al. and further in view of US 6,850,252 to Hoffberg. The Hoffberg reference does not does not disclose or suggest using user PIN numbers to bill users for their HVAC usage.

Accordingly, withdrawal of this rejection is respectfully requested.

Claim 26 is rejected under 35 USC 103 as being obvious over US 5,289,362 to Liebl et al. in view of US 5,958,016 to Chang et al. and further in view of US 5,144,621 to Kinashi et al.. The Kinashi reference does not disclose or suggest using user PIN numbers to bill users for their HVAC usage.

Accordingly, withdrawal of this rejection is respectfully requested.

In view of the above, all the claims are considered patentable and allowance of all the claims is respectfully requested. In the event that there are any remaining issues, the attending to of which would expedite the allowance of this application, the Examiner is invited to contact the undersigned for prompt action at the direct line telephone number appearing below.

In accordance with 37 CFR 1.136(a) pertaining to patent application processing fees, Applicant requests an extension of time from January 2, 2007 to February 2, 2007 in which to respond to the Office Action dated October 2, 2006. A notification of extension of time is filed herewith.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3204 of John Bruckner PC.

Respectfully submitted,

  
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